## EXHIBIT E

**Excerpts of the Deposition of Diana Avramova** 

Pages: 23-30, 35-42, & 67-74

1

## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA SAVANNAH DIVISION

CAROLYN ENZOR, as Next Friend of K.L.N.E. and K.A.E., and JULIANNE GLISSON, as Temporary Administrator of the Estate of KA'LA ENZOR,

Plaintiffs,

CIVIL ACTION NO.:

CV422-083

٧.

THE KROGER CO.,

Defendant.

DEPOSITION OF DIANA AVRAMOVA

June 7, 2023 10:13 a.m.

7 East Congress Street, Suite 712 Savannah, Georgia

Mynjuan P. Jones, RPR, CCR-B-1422

Gilbert & Jones

P. O. Box 1894 (31521) 1607 Norwich Street *Brunswick*, GA 31520 Certified Court Reporters

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			25
	23 So the second chift is probably about one person	1	Q. When did that become the norm?
1 2	So the second shift is probably about one person	2	A. That become last year.
2	closing.  Q. Explain that to me.	3	Q. Sometime in 2022?
3		4	A. Yes, but I can't remember which is exactly
5	A. For example, we have two to three people during the day that is in my department.	5	the month.
1		6	Q. Don't worry about that. So it went from a
6	Q. Right.	7	clock in with your finger to an app system to show
7	A. And we have one closer which come in 2:00	8	that you were there and everything like that?
8	o'clock to 10:00 p.m.	9	A. Yes.
9	Q. Okay.	1	
10	A. Because we try to do all the work and left	10	Q. After you clock in now on any given day
11	the department set up for the night shift clearly and	11	with your app, would you go directly to your
12	full.	12	department; is that correct?
13	So my job is to make sure everything is	13	A. Yes.
14	clear and full before I left at 3:00, for example, if	14	Q. And when you get to your department, would
15	I'm working 7:00 to 3:00. So going to have smooth	15	each day there be a meeting or anything about, hey,
16	nights.	16	this is what we need to do today or did you just know
17	Q. So middle shift, was that a time that	17	what your roles were and begin working?
18	Kroger would bring in an employee to prepare	18	A. So when I clock in, I usually go to the
19	<ul> <li>A. Yes. The middle shift is mainly just to</li> </ul>	19	locker dressed up with my apron, the blue apron. So
20	fill the gap. Because this is a busy store and the	20	put your apron and I go to the department.
21	product is getting faster out of the shelves so that	21	And usually I know what to do. Sometimes
22	is the middle shift for.	22	my manager is navigating me, what they didn't do at
23	They work frozen sometimes. We have a lot	23	night and what I should have to do, but most of the
24	of products. We just need to go out to the freezer,	24	time I know what I need to do and I start to open the
25	fill up the freezers, work and serve the customers	25	department, fill it up, the empty shelves, and check
	GILBERT & JONES		GILBERT & JONES
		1	
	24		26
1	24 behind the counter and make sure the shelves is full	1	what I need, mark down, scan out the products, like
1 2	<del>-</del> -	1 2	what I need, mark down, scan out the products, like out of date products need to be scanned out, and fill
	behind the counter and make sure the shelves is full		what I need, mark down, scan out the products, like
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	behind the counter and make sure the shelves is full too.  Q. For the night shift? A. Yes. Q. What was the night shift? When did that start?  A. The night shift is from 2:00 to 10:00. Q. Okay. A. That's it. Q. The first thing you would do, my understanding is you would go to the manager's office and clock in with your fingerprint. Is that correct? A. No. I go to the clock time, which is out of the manager's office. It's like a small machine and it's to the wall.  So everybody go to this machine and put their fingers and clock in and out but in this but right now they changed the system so we have my time right now so we can clock from the phone and they changed this machine, so we don't put the fingers anymore. We just punch the number. So you have your special number. It's only your number.  Q. And you're able to do it through a phone	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	what I need, mark down, scan out the products, like out of date products need to be scanned out, and fill it up with the new product which is exchange it and stuff like that.  Q. I got you. I got you. And your time from 2008 up until the time of the incident we're talking about, were there ever any individuals that you noticed or knew of that were dedicated solely to security present at the Berwick Kroger?  A. I really don't understand the question.  Q. From 2008 until the time of the incident, just based on your observations, did you ever observe any security personnel people that were in charge of just providing security?  A. So we used to have a security in the store but it was long time ago, I guess from eight, maybe more years, maybe ten years ago.  We used to have a security overnight but we were open 24 hours, and after that they took it off.  The Kroger decide to cut that security but I'm not sure which year that happened but I remember we used to have the security overnight and during the day too.

1 uniform? 2 A Yes. 3 Q. Do you remember if they were provided any 4 kind of did they have guns or weapons or anything? 4 Kind of did they have guns or weapons or anything? 5 A I'm not sure show the gun but they have the blue shirt, like the blue I'm not sure show to 5 say that. 8 Q. Something that you recognize them as a 5 security guard? 9 A Yes, and they have a badge number like 10 police. 10 Q. During that time period, and I think you 13 sald it was probably at least ten years ago that 14 there was security personnel at the Berwick Kroger? 15 A Yes. 9 Q. During that time period, and I think you 13 sald it was probably at least ten years ago that 14 there was security personnel at the Berwick Kroger? 15 A Yes. 16 Q. And where would that security personnel would be on 17 for any shift? 18 A Just one. 17 A They were up front next to the door when 18 you go in. 18 Q. Right when you would walk in, there would 24 be security personnel? 20 you go in. 20 Q. Right when you would walk in, there would 24 be security personnel? 28 A Yes. 21 Q. Did they have their own office or were 2 they just standing there? 29 you have a charac? 29 A No, they don't have office. They just standing there? 3 A No, they don't have office. They just standing there? 3 A No, they don't have office. They just standing there? 3 A No, they don't have office. They just standing there? 3 A No, they don't have office. They just standing there? 3 A No, they don't have office. They just standing there? 3 A No, they don't have office. They just standing there? 3 A No, they don't have office. They just standing there? 3 A No, they don't have office. They just standing there? 3 A No, they don't have office. They just standing there? 4 A Yes. 11 Q. And you don't remember what year that 3 security guard was taken away? 12 A They told me because just Kroger decide to 3 drop off the entrance? 13 A No, that is your understanding if you don't you never so work was the person of form the Berwick Kroger? 4 A No. 19 A No. Chair. They would be there		27		29
3 a. Do you remember if they were provided any kind of did they have guns or weapons or anything? A. I'm not sure about the gun but they have the blue shirt, like the blue I'm not sure how to say that.  5 a. Something that you recognize them as a security guard?  6 A. Yes, and they have a badge number like 11 police.  12 a. During that time period, and I think you 13 said it was probably at least ten years ago that there was security personnel at the Berwick Kroger?  15 A. Yes.  6 A. No many security personnel would be on 17 for any shift?  16 A. The not sure a badge number like 19 person who was in charge for the security?  17 A. Yes.  18 A. Just one.  19 C. And where would that security person be 30 stationed?  20 A. They were up front next to the door when 19 cut you go in.  21 A. They were up front next to the door when 19 cut you go in.  22 Yes.  23 A. Yes.  34 A. They were up front next to the door when 19 cut you go in.  35 Sinch and where would that security person be 30 stationed?  36 A. Yes.  37 A. Wes.  38 C. Blisert & JONES  38 A. No, they don't have offics. They just standing there?  40 Did they jive them a chair?  41 A. Yes, that's what I mean.  42 Something that you recognize them as a 18 security genome?  42 Something that you recognize them as a 18 security personnel?  43 A. No, they don't have a badge number like 10 of the incident.  44 A. They were up front next to the door when 10 date of the incident.  45 A. They were up front next to the door when 10 date of the incident.  46 A. They near I know who was the person of 12 the security personnel?  47 A. They were up front next to the door when 19 date of the incident.  48 A. They were up front next to the door when 19 date of the incident.  49 A. They were up front next to the door when 19 date of the incident.  40 A. I'm not sure 1 know who was the person of 12 the security personnel?  40 A. They were up front next to the door when 19 date of the incident.  41 A. The mot sure 1 know 19 date of the incident.  42 A. They were up front n	1	uniform?	1	A. Sure.
Kind of — did they have guns or weapons or anything?   A. I'm not sure about the gun but they have the blue shift, like the shift, like the blue shift, like the blue shift, like the blue shift like a curriby blue shift like security personnel?    A firm not sure I know who was the person for the security personnel shift like security because in this position we don't have shift like the security because in this position we don't have shift like the security because in this position we don't have shift like the security because in this position we don't have shift like the security because in this position we don't have shift like date of the incident.    A firm not sure I knew the who was th	2	A. Yes.	2	Q. What is your understanding of the person
5 the blue shirt, like the blue I'm not sure how to say that. 6 0. Something that you recognize them as a security guard? 6 A Yes, and they have a badge number like 10 police. 7 Journal of the incident. 8 A Yes, and they have a badge number like 11 police. 10 During that time period, and I think you 12 said it was probably at least ten years ago that 13 three years ago that 14 there was security personnel at the Berwick Kroger? 15 A Yes, 16 A Just one. 16 A Just one. 17 A To any shift? 18 A Just one. 18 A Just one. 19 C. And where would that security person be stationed? 19 C. Right when you would walk in, there would be security personnel? 19 C. A Wes take the test like for the employee any 19 bit 1 took the test. 19 C. A Ne. 10 Did they have their own office or ware they just standing there? 19 Just standing there. 19 Just standi	3	Q. Do you remember if they were provided any	3	at the Berwick Kroger store, if there was any, who
the blue shirt, like the blue — I'm not sure how to say that.  Q. Something that you recognize them as a cacurity guard?  A. Yes, and they have a badge number like of police.  Q. During that time period, and I think you said it was probably at least ten years ago that there was security personnel at the Berwick Kroger?  A. Yes.  A. Just one.  A. They were up front next to the door when you go in.  A. They were up front next to the door when you go in.  A. They were up front next to the door when you go in.  B. A. We stee the test like for the employees up they just standing there I guess six, eight hours. I'm not sure as security personnel?  A. We.  B. A. We stee the test like for the employees up they just standing there I guess six, eight hours. I'm not sure why but they sure standing there?  A. No, they don't have office. They just standing there I guess six, eight hours. I'm not sure hours are hone wany hours but they just standing there?  A. No, chair. They would be there at the opening of the entrance?  A. No, chair. They would be there at the security guard was taken away?  A. Sorry. I'm not.  A. Sorry. I'm not.  A. No, chair. They would be there at the security guard was taken away?  A. Sorry. I'm not.  A. No, chair. They would be there at the security guard was taken away?  A. No, chair. They would be there at the security guard was taken away?  A. No, chair. They would be there at the security guard was taken away?  A. No, chair. They would me.  A. No, Chair. They would be there at the security guard was taken away?  A. Frequently, every year.  A. No, chair. The would be there at the security guard was taken away?  A. Sorry. I'm not.  A. Sorry. I'm not.  A. No, chair. They interest what year that security guard was taken away?  A. Sorry. The not.  A. No, chair. They would be there at the opening of the entrance?  A. No, chair. They would me because just Kroger decide to drop off that budget. I'm not sure.  B. A. No, Where would you take these tests?  A. No, Where would you take these tests?  A. No, Wh	4	kind of did they have guns or weapons or anything?	4	was in charge of security procedures?
7 Say that. 8 Q. Something that you recognize them as a security guard? 10 A. Yes, and they have a badge number like police. 11 Dollor. 12 Q. During that time period, and I think you as did it was probably at least ten years ago that there was security personnel at the Berwick Kroger? 15 A. Yes. 16 Q. How many security personnel would be on for a for any shift? 17 For any shift? 18 A. Just one. 19 Q. And where would that security person be stationed? 19 Q. And where would that security person be go one. 20 stationed? 21 A. They were up front next to the door when you go in. 22 Q. Right when you would walk in, there would be be security personnel? 23 Q. Right when you would walk in, there would be be security personnel? 24 Q. When you say no verbal, you mean no classes or anything? 25 A. Yes. 26 Can be security personnel? 27 A. No, they don't have office. They just standing there? 28 they just standing there? 39 A. No, they give them a chair? 40 A. No, they give them a chair? 41 A. Yes, I took the test a would be a test? 42 Q. Where would you take these tests? 43 A. No. 44 Standing there I guess six, eight hours. I'm not sure. 45 sure how many hours but they just standing there. 46 Q. Did they give them a chair? 47 A. No. 48 O. Did they give them a chair? 49 O. Once a year three would be a test? 40 Q. Once a year three would be a test? 41 Q. Once a year three would be a test? 42 Q. Where would you take these tests? 43 A. No. 44 Yes. 45 O. Did anyone tell you why they removed the security personnel from the Berwick Kroger decide to drop of the entrance? 40 A. Yes. 41 Q. Did anyone tell you why they removed the security personnel from the Berwick Kroger decide to drop of the that budget. I'm not sure why but that's a different desks. So it's upstairs near to manager's office. 42 Q. From that time, after those security personnel effection. 43 A. No. 44 O. When you say upstairs, the upstairs would be when a customer first comes into the store and different desks. So it's upstairs near to manager's office. 45 A. No.	5	A. I'm not sure about the gun but they have	5	MS. O'HEARN: At what point in time?
9 security guard? 9 security guard? 10 A Ves, and they have a badge number like 11 police. 12 Q. During that time period, and I think you 13 said it was probably at least ten years ago that 14 there was security personnel at the Berwick Kroger? 15 A Ves. 16 Q. How many security personnel would be on 17 for any shift? 18 A Just one. 19 Q. And where would that security person be 18 stationed? 19 A. They were up front next to the door when 19 A. They were up front next to the door when 19 be security personnel? 20 Que go in. 21 Q. Right when you would walk in, there would 22 be security personnel? 23 Q. Right when you would walk in, there would 24 be security personnel? 25 A. Yes.  GILBERT & JONES  28 Q. When you say no verbal, you mean no 26 classes or anything? 27 Classes or anything? 28 A. No, they don't have office. They just 29 standing there? 20 Q. Where would you take these tests? 29 A. No. 20 Q. If they for thave office. They just 20 Q. Where would you take these tests? 29 A. No. 20 Q. If they give them a chair? 20 A. No chair. They would be there at the 21 opening of the entranc? 21 A. Yes. 22 Q. Where was the computer located that you 23 you go in. 24 Security personnel? 25 A. Yes.  GILBERT & JONES  26 Q. Did they give them a chair? 27 A. No. 28 Q. And you don't remember what year that 29 opening of the entranc? 30 A. Yes. 31 A. Yes. 32 Q. Where was the computer located that you 34 do jud anyone tell you why they removed the 35 security guard was taken away? 36 A. Yes. 37 Q. Where was the computer located that you 38 different desks. So it's upstairs near to manager's 39 A. They told me because just Kroger decide to 40 Q. If anyone tell you was way uniformed security 41 Q. Jim anyone tell you any point tell you not the security personnel from the Berwick Kroger store at 41 Q. Did anyone tell you was way the fore and we have open 41 Q. When you say upstairs, the upstairs would 42 be winderstand, then please tell me so. 42 Q. When you say upstairs, the upstairs would 43 be winderstand, then please tell me	6	the blue shirt, like the blue I'm not sure how to	6	MR. SHIPLEY: The date of the incident.
9 Q. (By Mr. Shipley) Yes, ma'am, at the time 10 A. Yes, and they have a badge number like 11 police. 12 Q. During that time period, and I think you 13 sald it was probably at least ten years ago that 14 there was security personnel at the Berwick Kroger? 15 A. Yes. 16 Q. How many security personnel would be on 17 for any shift? 18 A. Just one. 19 Q. And where would that security person he 19 Q. And where would that security person he 20 stationed? 21 A. They were up front next to the door when 22 you go in. 23 Q. Right when you would walk in, there would 24 be security personnel? 25 A. Yes. 26 GILBERT & JONES 27 GILBERT & JONES 28 GILBERT & JONES 29 GILBERT & JONES 30 A. No, they don't have office. They just 4 standing there I guess sky, eighth ours. I'm not 5 sure how many hours but they just standing there. 4 Q. Where would you take these tests? 5 A. No. 6 Q. No chair. They would be there at the 6 opening of the entrance? 10 A. Yes. 11 Q. Did anyone tell you why they removed the 12 security personnel from the Berwick Kroger store at 13 and by Kroger decision. That's what they told me. 14 Q. From that time, after those security 15 personnel left, you never saw any uniformed security 16 personnel left, you never saw any uniformed security 27 personnel left, you never saw any uniformed security 28 personnel left, you never saw any uniformed security 29 personnel left, you never saw any uniformed security 20 personnel at the Berwick Kroger and the security personnel from the berwick kroger any high you can be a cean float on the security personnel from the security personnel from the threat end the 29 personnel feft, you never saw any uniformed security 20 personnel left, you never saw any uniformed security 21 personnel left, you never saw any uniformed security 22 personnel left, you never saw any uniformed security 23 personnel left, you never saw any uniformed security 24 personnel at the Berwick Kroger? 25 A. No. 26 Q. What is your understanding — if you don't 27 personnel set you never saw any uniformed se	7	say that.	7	THE WITNESS: So you asked me who was the
10   A.   Yes, and they have a badge number like   10   police.   11   Doller.   12   Dolling that time period, and I think you   12   the security because in this position we don't have   13   nobody so I'm not sure.   14   No.   I'm not sure I know who was the person for   15   A.   Yes.   15   date of the incident in April of 2021, were you ever   16   A.   Yes.   15   date of the incident in April of 2021, were you ever   16   They would that security personnel would be on   17   They would that security personnel   18   A.   No.   N	8	Q. Something that you recognize them as a	8	person who was in charge for the security?
Double   During that time period, and I think you	9	security guard?	9	Q. (By Mr. Shipley) Yes, ma'am, at the time
there was security personnel at the Bervick Kroger?  A Yes.  A No.  Right when you would walk in, there would  be security personnel?  A Ves.  Can bour time there from 2008 up until the date of the incident in April of 2021, were you ever required to attend any meetings where security person be stationed?  A They were up front next to the door when you go in.  A They were up front next to the door when you go in.  A They were up front next to the door when you go in.  Be security personnel?  A They were up front next to the door when you go in.  Be security personnel?  Be security personnel?  A Yes.  Call BERT & JONES  Call BERT & JONES  Did they give them a chair?  A No. they don't have office. They just standing there I guess six, eight hours. I'm not sure why but that satisfy a security personel from the Berwick Kroger store at darp point?  A Yes.  Opening of the entrance?  A A They would on't remember what year that only point?  A Yes.  Did anyone tell you why they removed the security personnel from the Berwick Kroger store at force of the third of the store and good in the point of the them of the store and good in the point of the entrance?  A No.  A They would be there at the security personnel?  A Yes.  Call they give them a chair?  A No chair. They would be there at the security personnel from the Berwick Kroger store at the security personnel from the Berwick Kroger store at the security well and only the personnel from the security personnel at the security Kroger?  A No.  A They would don't remember what	10	<ul> <li>A. Yes, and they have a badge number like</li> </ul>	10	of the incident.
said it was probably at least ten years ago that there was security personnel at the Berwick Kroge?  A Yes.  Q. How many security personnel would be on to the total security personnel would that security person be to total security berson be to total security person be to total security person be to the total security person be to total security berson be to total security person security person security person security person	11	police.	11	<ul> <li>A. I'm not sure I know who was the person for</li> </ul>
there was security personnel at the Berwick Kroger?  A Yes.  How many security personnel would be on 15	12	Q. During that time period, and I think you	12	the security because in this position we don't have
15 A. Yes. 16 Q. How many security personnel would be on for for any shift? 17 for any shift? 18 A. Just one. 19 Q. And where would that security person be stationed? 20 stationed? 21 A. They were up front next to the door when 22 you go in. 22 you go in. 23 Q. Right when you would walk in, there would 24 be security personnel? 24 A. Yes. 25 A. Yes. 26 CILBERT & JONES 27 GILBERT & JONES 28 JOURNER SOLD When you say no verbal, you mean no classes or anything? 29 you shire it is a verbal instruction for security bust a tanding there? 30 A. No, they don't have office. They just standing there? 41 Surve how many hours but they just standing there I guess six, eight hours. I'm not 3 you forn in the world be there at the 3 opening of the entrance? 42 A. Yes. 43 A. No. 44 Yes. 45 A. No. 55 Security personnel? 56 Q. Did they give them a chair? 67 A. No. 68 Q. No chair. They would be there at the 3 opening of the entrance? 69 Q. No chair. They would be there at the 3 opening of the entrance? 100 A. Yes. 110 A. Yes. 111 A. Yes. 112 Security personnel from the Berwick Kroger store at 3 any point? 112 A. They told me because just Kroger decide to 4 A. Yes. 113 A. Sorry. I'm not. 114 Q. Did anyone tell you why they removed the 3 surploint? 115 Security personnel from the Berwick Kroger store at 3 any point? 116 A. They told me because just Kroger decide to 4 A. Yes. 117 P. A. They told me because just Kroger decide to 4 A. Yes. 118 Q. From that time, after those security 2 personnel left, you never saw any uniformed security 2 personnel left, you never saw any uniformed security 2 personnel left, you never saw any uniformed security 2 personnel left, you never saw any uniformed security 2 personnel left, you understanding — if you don't saits and that sli like a second flor and we have one 4 statis and that sli like a second flor and we have one 5 one 7 which is manager's office and we have one 6 one 7 which is manager's office and we have one 6 one 7 which is manager's office and we have one 6 one 7 which is manager's offi	13	said it was probably at least ten years ago that	13	nobody so I'm not sure.
16 Q. How many security personnel would be on 17 for any shift? 17 for any shift? 18 A. Just one. 18 A. No, not at all. 18 A. No, not at all. 19 Q. And where would that security person be 20 stationed? 20 stationed? 21 A. They were up front next to the door when 21 you go in. 22 you go in. 23 Q. Right when you would walk in, there would 24 be security personnel? 25 A. Yes. 26 TIBERT & JONES 26 TIBERT & JONES 27 SILBERT & JONES 27 SILBERT & JONES 27 SILBERT & JONES 27 SILBERT & JONES 28 SILBERT & JONES 29 SILBERT & JONES 20 SILBERT & JONES	14	there was security personnel at the Berwick Kroger?	14	Q. In your time there from 2008 up until the
17 for any shift? 18	15	A. Yes.	15	date of the incident in April of 2021, were you ever
18 A Just one. Q And where would that security person be stationed? 19 A. They were up front next to the door when 22 you go in. 20 You go in. 21 A. They were up front next to the door when 22 you go in. 22 you go in. 23 Q. Right when you would walk in, there would 24 be security personnel? 25 A. Yes. 26 TILBERT & JONES 27 A Yes. 28 TILBERT & JONES 28 TILBERT & JONES 29 TILBERT & JONES 20 When you say no verbal, you mean no classes or anything? 20 When you say no verbal, you mean no classes or anything? 21 A. Yes, that's what I mean. 22 they just standing there? 23 A. No, they don't have office. They just 3 A. Frequently, every year. 34 A No, they don't have office. They just 3 A. Frequently, every year. 45 standing there I guess six, eight hours. I'm not 4 C. Once a year there would be a test? 46 Q. Did they give them a chair? 47 A. No. 48 Q. No chair. They would be there at the opining of the entrance? 49 opening of the entrance? 40 A Yes. 41 Q. And you don't remember what year that 2 security guard was taken away? 41 A. Sorry. I'm not. 41 Q. Did anyone tell you why they removed the 2 security guard was taken away? 41 A. Sorry. I'm not 4 C. Did anyone tell you why they removed the 3 security personnel from the Berwick Kroger store at 3 any point? 41 A. Yes. 42 Yes. 43 A. No. 44 Yes. 45 Yes. 50 A. Yes, that's what I mean. 51 A. Yes, that's what I mean. 51 A. Yes, that's what I mean. 52 A. Yes, that's what I mean. 53 A. Frequently, every year. 54 A. Yes, took the test as while ago, 5 Probably a month ago again. It was a computer test. 64 Q. Where was the computer located that you took the test on? 65 A. Yes. 66 Q. Did they give them a chair? 76 A. No. 77 Q. Where was the computer located that you took the test on? 78 A. Yes. 79 A. Yes. 70 A. No chair. They would be there at the 6 minute of the probably a month ago again. It was a computer test. 70 A. Yes. 71 Q. Where was the computer located that you manager, produce, meat manager, like the dell office. 71 Q. When you say upstairs, the upstairs would be when a	16	Q. How many security personnel would be on	16	•
Q. And where would that security person be stationed?  A. They were up front next to the door when 22 you go in.  Q. Right when you would walk in, there would 23 security personnel?  A. Yes.  GILBERT & JONES  28 Q. When you say no verbal, you mean no classes or anything?  GILBERT & JONES  They is they just standing there?  A. No, they don't have office. They just standing there?  A. No, they don't have office. They just surface how many hours but they just standing there?  A. No, they don't have office. They just surface how many hours but they just standing there.  Q. Did they give them a chair?  A. No.  Q. No chair. They would be there at the opening of the entrance?  A. Yes.  Q. No chair. They would be there at the security guard was taken away?  A. Sorry. I'm not.  Q. Did anyone tell you why they removed the security personnel from the Berwick Kroger store at any point?  A. They told me because just Kroger decide to drop off that budget. I'm not sure why but that's a Kroger decision. That's what they told me.  Q. When you say no verbal, you mean no classes or anything?  GILBERT & JONES  30 A. Yes, that's what I mean.  4 Q. Once a year there would be a test?  A. No.  7 Q. Where would you take these tests?  A. Yes, I took the test a while ago,  Propably a month ago again. It was a computer test.  7 Q. Where was the computer located that you took the test on?  9 Populary a month ago again. It was a computer test.  10 Q. And you don't remember what year that security guard was taken away?  11 Q. Did anyone tell you why they removed the security personnel from the Berwick Kroger store at any point?  A. They told me because just Kroger decide to drop off that budget. I'm not sure why but that's a Kroger decision. That's what they told me.  Q. From that time, affer those security personnel left, you never as any uniformed security personnel left, you never as a	17	for any shift?	17	procedures were discussed for the store?
20 stationed? 21 A. They were up front next to the door when 21 you go in. 22 you go in. 23 Q. Right when you would walk in, there would 23 security personnel? 24 be security personnel? 25 A. Yes.  6TLBERT & JONES  7 CLBERT & JONES  7 CLBERT & JONES  8 CLBERT & JONES  8 CLBERT & JONES  8 CLBERT & JONES  8 CLBERT & JONES  9 CLBERT & JONES  1 Q. Did they have their own office or were 2 they just standing there? 2 they just standing there? 3 A. No, they don't have office. They just 3 A. Frequently, every year. 4 standing there I guess six, eight hours. I'm not 4 they just standing there I guess six, eight hours. I'm not 5 sure how many hours but they just standing there. 5 Ves.  7 A. No. 8 Q. Did they give them a chair? 9 A. No. 8 Q. No chair. They would be there at the 9 opening of the entrance? 10 A. Yes. 11 Q. And you don't remember what year that 12 security guard was taken away? 11 Q. And you don't remember what year that 12 security guard was taken away? 12 security personnel from the Berwick Kroger store at 15 any point? 14 Q. Did anyone tell you why they removed the 5 security personnel from the Berwick Kroger store at 16 any point? 15 A. They told me because just Kroger decide to 17 Q. When you say upstairs near to manager's office? 16 A. Yes. 17 A. They told me because just Kroger decide to 18 drop off that budget. I'm not sure why but that's a 19 kroger decision. That's what they told me. 19 C. From that time, after those security personnel laft, you never saw any uniformed security personnel at the Berwick Kroger? 2 A. No. 3 A. No. 4 C. What is your understanding — if you don't 24 the stairs and that is like a second floor and we have one one which is manager's office and we have one one which is manager's office and we have one one which is manager's office and we have one one which is manager's office and we have one one which is manager's office and we have one one which is manager's office and we have one one one which is manager's office and we have one one one which is manager's office and we hav	18	A. Just one.	18	A. No, not at all.
21 A. They were up front next to the door when 22 you go in. 22 you go in. 23 Q. Right when you would walk in, there would 24 be security personnel? 24 be security personnel? 25 A. Yes.  26 GILBERT & JONES  27 C. When you say no verbal, you mean no classes or anything? 28 GILBERT & JONES  28 GILBERT & JONES  29 CILBERT & JONES  30 A. No, they don't have office. They just 3 A. Frequently, every year. 4 standing there I guess six, eight hours. I'm not 5 sure how many hours but they just standing there. 5 Q. Did they give them a chair? 6 Q. Did they give them a chair? 7 A. No. 8 Q. No chair. They would be there at the 9 opening of the entrance? 9 Q. No chair. They would be there at the security guard was taken away? 11 Q. And you don't remember what year that security guard was taken away? 12 A. Sorry. I'm not. 13 A. Sorry. I'm not. 14 Q. Did anyone tell you why they removed the security personnel from the Berwick Kroger store at 16 any point? 16 A. They told me because just Kroger decide to drop off that budget. I'm not sure why but that's a 18 kroger decision. That's what they told me. 19 Q. From that time, after those security personnel left, you never saw any uniformed security personnel at the Berwick Kroger? 20 A. No. 21 Q. What is your understanding — if you don't the tunderstand, then please tell me so. 22 do ne room which is manager's office and we have open	19	Q. And where would that security person be	19	Q. Were you ever provided as an employee any
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Page 27 to 30 of 79

	35		37
1	A. Yes.	1	away during the day shift which it was around
1 2	Q. Were you able to take it home with you?	2	Starbucks.
3	A. Yes.	3	We have so many accidents. Like with the
4	Q. Were you given one every year?	4	flip-flops, they slide and lay down on the floor
5	A. No.	5	because we had some spilled water on the floor and
6	Q. Just kind of when you started?	6	she didn't see the sign.
7		7	In my experience I got one person who was
	·	8	just lay down on the floor because she was slipped
8		9	and she said she's going to sue Kroger and she was on
9		10	the front door for about half an hour, laid down,
10	Q. So what I'm going to show you next is what  I've marked as Plaintiff's Exhibit 2 which is titled	11	talking with the phone with the police. Because she
11	the Loss Prevention Reference Manual. Would you take	12	wanted to sue Kroger and she was sitting right there.
12 13	a look at that and tell me if you've ever seen a copy	13	It was a big drama.
	of that.	14	Q. Okay.
14		15	A. So on the safety videos, the safety
15		16	videos, they say we just have to talk with the
16	Q. Maybe you've answered my question but have you ever seen a copy of that manual at the Berwick	17	managers, like the store manager, meat manager.
17	•	18	That's what we need to do. Nothing else.
18	Kroger anywhere?  A. At Kroger? They probably have that but	19	Q. Report it to the managers?
20	I'm not sure.	20	A. Report it to the managers and they will
	Q. That's okay. I'm going to show you what I	21	call 911 and get the action and everything else. My
21	marked as Plaintiff's Exhibit 3 which is the Asset	22	job like a person. That's it. Nothing else.
23	Protection Reference Manual. Have you ever seen a	23	Q. I got you. Would the Berwick Kroger or
		24	management team or anyone provide any documentation
24	copy of that manual?  A. No, but I took the videos which is pretty	25	or reports of criminal activity that occurred within
25	A. No, but I took the videos which is pretty GILBERT & JONES	23	GILBERT & JONES
├	36		38
1	much similar. I took some tests with this but not	1	the store to its employees such as you?
2	like on the paper.	2	A. I don't know.
3	Q. So you think some of the videos contain	3	Q. Probably the same answer but did the
4	some of the subject matter that's contained within	4	management of Kroger ever provide any kind of report
5	the Asset Protection Manual?	5	or documentation of criminal activity that occurred
6	A. Yes.	6	within the Berwick Shopping Center? And when I say
7	Q. Have you ever seen or know where the	7	that, not just at Kroger but all the other stores
8	location of the Asset Protection Manual is at the	8	that are contained within.
وا	Berwick Kroger? For instance, if you had to go find	9	A. I don't know that either.
10	it today, do you know where to look?	10	Q. You've never seen any kind of
11	A. If I'm honest, I don't.	11	documentation or anything like that?
12	Q. All right. That's all I wanted to ask you	12	A. No.
13	about that.	13	Q. Did Kroger management ever talk to you
14	During these computer tests and videos,	14	about safety procedures when traveling to your car
	paring these computer tests and viacos,		after a shift or anything like that?
15	did the videos address anything about identifying	15	after a Situt of anything like that:
15 16		15 16	A. No.
ł	did the videos address anything about identifying	1	A. <b>No.</b> Q. Would you ever as a Kroger employee
16	did the videos address anything about identifying potentially dangerous persons within Kroger or	16	A. <b>No.</b>
16 17	did the videos address anything about identifying potentially dangerous persons within Kroger or suspicious behavior, anything like that?	16 17	A. <b>No.</b> Q. Would you ever as a Kroger employee
16 17 18	did the videos address anything about identifying potentially dangerous persons within Kroger or suspicious behavior, anything like that?  A. Yes.	16 17 18	A. No. Q. Would you ever as a Kroger employee receive reports about what they refer to as shrinkage
16 17 18 19	did the videos address anything about identifying potentially dangerous persons within Kroger or suspicious behavior, anything like that?  A. Yes.  Q. Can you tell me a little bit about that.  A. So, for example, if we see somebody.  Because from my experience we have so many people	16 17 18 19	A. No. Q. Would you ever as a Kroger employee receive reports about what they refer to as shrinkage or lost product? A. Yes. Q. How would that come up?
16 17 18 19 20	did the videos address anything about identifying potentially dangerous persons within Kroger or suspicious behavior, anything like that?  A. Yes.  Q. Can you tell me a little bit about that.  A. So, for example, if we see somebody.	16 17 18 19 20	A. No. Q. Would you ever as a Kroger employee receive reports about what they refer to as shrinkage or lost product? A. Yes. Q. How would that come up? A. Because every morning we used to have a
16 17 18 19 20 21	did the videos address anything about identifying potentially dangerous persons within Kroger or suspicious behavior, anything like that?  A. Yes.  Q. Can you tell me a little bit about that.  A. So, for example, if we see somebody.  Because from my experience we have so many people	16 17 18 19 20 21	A. No. Q. Would you ever as a Kroger employee receive reports about what they refer to as shrinkage or lost product? A. Yes. Q. How would that come up? A. Because every morning we used to have a meeting but right now they cut it. We don't have
16 17 18 19 20 21 22	did the videos address anything about identifying potentially dangerous persons within Kroger or suspicious behavior, anything like that?  A. Yes. Q. Can you tell me a little bit about that. A. So, for example, if we see somebody.  Because from my experience we have so many people we had one lady. She passed down the floor near to my department which was the produce department and I been there.	16 17 18 19 20 21 22	A. No. Q. Would you ever as a Kroger employee receive reports about what they refer to as shrinkage or lost product? A. Yes. Q. How would that come up? A. Because every morning we used to have a meeting but right now they cut it. We don't have that. Sometimes we do but sometimes we don't.
16 17 18 19 20 21 22 23	did the videos address anything about identifying potentially dangerous persons within Kroger or suspicious behavior, anything like that?  A. Yes.  Q. Can you tell me a little bit about that.  A. So, for example, if we see somebody.  Because from my experience we have so many people we had one lady. She passed down the floor near to my department which was the produce department and I	16 17 18 19 20 21 22 23	A. No. Q. Would you ever as a Kroger employee receive reports about what they refer to as shrinkage or lost product? A. Yes. Q. How would that come up? A. Because every morning we used to have a meeting but right now they cut it. We don't have

	20	1	41
_	39	4	it doesn't look like Kroger employee, you can ask
1	percent we have lost and how many percent we have	1	them what are you doing here, are you a customer, are
2	shrink and like theft. We have our numbers with the	2	you lost.
3	paper.	3	Because we used to have some I
4	Q. So there would be a paper that showed how	· .	definitely have some customers like that. They
5	many	5	<del>-</del>
6	A. Yes. They give it to each department.	6	looking for the restroom and they just go over the
7	Q. How frequently was that given?	7	wrong door. So that means the back area.
8	A. Every morning. Every other morning. But	8	Q. The back area, does it have like freezers
9	that is like a short meeting, about ten minutes.	9	and refrigerators in there?
10	Like a huddle. We have huddles.	10	A. Sure. Yes.
11	Q. Would you have huddles within departments	11	Q. And when trucks would deliver additional
12	or would it be storewide?	12	food, would it first go to the back?
13	<ul> <li>A. It's from all departments and they call on</li> </ul>	13	A. Yes.
14	the intercom. So, for example, we're going to a	14	Q. And then from there employees could take
15	certain place which they call. Sometimes it's in the	15	some of that product and put it back on the shelves
16	back room. Sometimes it's upstairs with the	16	and things like that?
17	manager's office.	17	A. <b>Yes.</b>
18	We have a huddle and they talk about how	18	Q. Were there offices back there at all?
19	many percent we're up, how many percent we're down,	19	A. No, we don't have offices.
20	each department, how we're doing in the store.	20	Q. Where is the employee safe or the Kroger
21	Q. Would management during these meetings,	21	safe at Berwick located?
22	would they provide any advice or guidelines or	22	A. A safe?
23	recommendations to its employees about how to prevent	23	Q. Yes. Do you know was there a safe?
24	more shrinkage or loss of product?	24	A. For the money?
25	A. Yes, they give advice.	25	Q. Yes, for the money.
	GILBERT & JONES		GILBERT & JONES
	40		42
1	Q. What kind of advice would they give?	1	A. I don't know.
2	A. So, for example, make sure before you	2	Q. So you've never seen a safe?
3	throw away something, just scan it out so that is	3	A. I've never seen the safe. I saw the bank
4	less shrink and less theft. That's one of the	4	truck which is coming, and I guess it's behind the
5	examples.	5	customer service. We have a small room but I've
6	The other one is because we donate some	6	never been there so I'm not sure.
7	food for the company and just make sure you punch it	7	Q. It's a small room behind customer service?
1	to the donation, not for theft or stealing stuff.	8	A. Yes, but I've never been there so I'm not
8	Q. Would they ever address trying to identify	9	sure.
9	•	10	DMI CI
10	actual thefts in action or anything like that, where	10	O. Is it locked?
4-4		11	Q. Is it locked?
11	a customer was coming in, for example, you know,	11	A. It's locked all the time.
12	a customer was coming in, for example, you know, putting a couple of cans of kidney beans in their	12	A. It's locked all the time.  Q. How do you get access to that; do you
12 13	a customer was coming in, for example, you know, putting a couple of cans of kidney beans in their pocketbook or something like that?	12 13	A. It's locked all the time. Q. How do you get access to that; do you know?
12 13 14	a customer was coming in, for example, you know, putting a couple of cans of kidney beans in their pocketbook or something like that?  A. No. No.	12 13 14	A. It's locked all the time. Q. How do you get access to that; do you know? A. I don't know. That's not my business.
12 13 14 15	a customer was coming in, for example, you know, putting a couple of cans of kidney beans in their pocketbook or something like that?  A. No. No. Q. You said sometimes these meetings would	12 13 14 15	A. It's locked all the time. Q. How do you get access to that; do you know? A. I don't know. That's not my business. Q. The manager, have you ever seen him access
12 13 14 15 16	a customer was coming in, for example, you know, putting a couple of cans of kidney beans in their pocketbook or something like that?  A. No. No.  Q. You said sometimes these meetings would take place in the back. What is in the back of	12 13 14 15 16	A. It's locked all the time. Q. How do you get access to that; do you know? A. I don't know. That's not my business. Q. The manager, have you ever seen him access it?
12 13 14 15 16 17	a customer was coming in, for example, you know, putting a couple of cans of kidney beans in their pocketbook or something like that?  A. No. No.  Q. You said sometimes these meetings would take place in the back. What is in the back of Kroger?	12 13 14 15 16 17	A. It's locked all the time. Q. How do you get access to that; do you know? A. I don't know. That's not my business. Q. The manager, have you ever seen him access it? A. Yes. They go in there.
12 13 14 15 16 17 18	a customer was coming in, for example, you know, putting a couple of cans of kidney beans in their pocketbook or something like that?  A. No. No.  Q. You said sometimes these meetings would take place in the back. What is in the back of Kroger?  A. The back of Kroger means like the	12 13 14 15 16 17 18	A. It's locked all the time. Q. How do you get access to that; do you know? A. I don't know. That's not my business. Q. The manager, have you ever seen him access it? A. Yes. They go in there. Q. You don't know what's in there though,
12 13 14 15 16 17	a customer was coming in, for example, you know, putting a couple of cans of kidney beans in their pocketbook or something like that?  A. No. No.  Q. You said sometimes these meetings would take place in the back. What is in the back of Kroger?  A. The back of Kroger means like the receiving.	12 13 14 15 16 17 18 19	A. It's locked all the time. Q. How do you get access to that; do you know? A. I don't know. That's not my business. Q. The manager, have you ever seen him access it? A. Yes. They go in there. Q. You don't know what's in there though, right?
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12 13 14 15 16 17 18 19	a customer was coming in, for example, you know, putting a couple of cans of kidney beans in their pocketbook or something like that?  A. No. No.  Q. You said sometimes these meetings would take place in the back. What is in the back of Kroger?  A. The back of Kroger means like the receiving.  Q. Where the trucks pull up?  A. Where the truck is coming and this area is	12 13 14 15 16 17 18 19 20 21	A. It's locked all the time. Q. How do you get access to that; do you know? A. I don't know. That's not my business. Q. The manager, have you ever seen him access it? A. Yes. They go in there. Q. You don't know what's in there though, right? A. I don't know what is in there. Right now they have a machine which is a special machine,
12 13 14 15 16 17 18 19 20	a customer was coming in, for example, you know, putting a couple of cans of kidney beans in their pocketbook or something like that?  A. No. No.  Q. You said sometimes these meetings would take place in the back. What is in the back of Kroger?  A. The back of Kroger means like the receiving.  Q. Where the trucks pull up?	12 13 14 15 16 17 18 19 20 21 22	A. It's locked all the time. Q. How do you get access to that; do you know? A. I don't know. That's not my business. Q. The manager, have you ever seen him access it? A. Yes. They go in there. Q. You don't know what's in there though, right? A. I don't know what is in there. Right now they have a machine which is a special machine, collect all the money and count the money for the
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12 13 14 15 16 17 18 19 20 21 22	a customer was coming in, for example, you know, putting a couple of cans of kidney beans in their pocketbook or something like that?  A. No. No.  Q. You said sometimes these meetings would take place in the back. What is in the back of Kroger?  A. The back of Kroger means like the receiving.  Q. Where the trucks pull up?  A. Where the truck is coming and this area is restricted for the customers. It's just employees.	12 13 14 15 16 17 18 19 20 21 22	A. It's locked all the time. Q. How do you get access to that; do you know? A. I don't know. That's not my business. Q. The manager, have you ever seen him access it? A. Yes. They go in there. Q. You don't know what's in there though, right? A. I don't know what is in there. Right now they have a machine which is a special machine, collect all the money and count the money for the cash register for cashiers but after that I don't know where does the money go.
12 13 14 15 16 17 18 19 20 21 22 23	a customer was coming in, for example, you know, putting a couple of cans of kidney beans in their pocketbook or something like that?  A. No. No.  Q. You said sometimes these meetings would take place in the back. What is in the back of Kroger?  A. The back of Kroger means like the receiving.  Q. Where the trucks pull up?  A. Where the truck is coming and this area is restricted for the customers. It's just employees.  Q. Got you.	12 13 14 15 16 17 18 19 20 21 22 23	A. It's locked all the time. Q. How do you get access to that; do you know? A. I don't know. That's not my business. Q. The manager, have you ever seen him access it? A. Yes. They go in there. Q. You don't know what's in there though, right? A. I don't know what is in there. Right now they have a machine which is a special machine, collect all the money and count the money for the cash register for cashiers but after that I don't know where does the money go. Q. And you couldn't just open that door,
12 13 14 15 16 17 18 19 20 21 22 23 24	a customer was coming in, for example, you know, putting a couple of cans of kidney beans in their pocketbook or something like that?  A. No. No.  Q. You said sometimes these meetings would take place in the back. What is in the back of Kroger?  A. The back of Kroger means like the receiving.  Q. Where the trucks pull up?  A. Where the truck is coming and this area is restricted for the customers. It's just employees.  Q. Got you.  A. So that is actually a part of safety. So	12 13 14 15 16 17 18 19 20 21 22 23 24	A. It's locked all the time. Q. How do you get access to that; do you know? A. I don't know. That's not my business. Q. The manager, have you ever seen him access it? A. Yes. They go in there. Q. You don't know what's in there though, right? A. I don't know what is in there. Right now they have a machine which is a special machine, collect all the money and count the money for the cash register for cashiers but after that I don't know where does the money go.

	67		69
1	A. Yes.	1	at that time, Ms. Enzor, in her flip-flops?
2	Q. So they separate each other; is that	2	A. Yes.
3	right?	3	Q. Okay.
4	A. That's right.	4	A. She just passed by and she using the last
. 5	Q. You tell me if I'm wrong in any of this.	5	door. That's what I heard. I'm not sure because I
6	So while you're in the women's locker room, you hear	6	really don't see but I hear. Her door was locked.
7	pounding; is that correct?	7	I'm not sure.
8	A. Yes.	8	Q. Was it the handicapped stall?
9	MS. O'HEARN: Object to the form.	9	A. <b>Yes.</b>
10	Q. (By Mr. Shipley) What did you hear? Tell	10	Q. Is that the last stall?
11	me that.	11	A. The last one.
12	A. So I hear some her voice is begging for	12	Q. The larger stall?
13	help. She said help, help me, get off of me. That's	13	A. The largest.
14	what I heard. And I said, oh, something happened,	14	Q. When you went in that first time, was that
15	somebody is in trouble.	15	larger stall door closed?
16	Q. Okay.	16	A. The door was open but nobody was in the
17	A. I was in panic. I didn't know what to do	17	restroom when I was in there. It was only me.
18	and followed the Kroger instruction with this. So I	18	Q. Only you?
19	run out and I go grab Malanna because I saw her.	19	<ul> <li>A. Yeah, and we have two more rooms and the</li> </ul>
20	That is my first reaction.	20	handicap room.
21	And she called Mr. Edwards who was up	21	Q. Do you believe the first time you went in
22	front of the store too. So he came after her. So	22	there the assailant, the kidnapper and rapist, was
23	the three of us go to them. Me and Malanna, we go	23	also in the bathroom during the first time?
24	inside in the women's bathroom, and Mr. Edwards was	24	<ul> <li>A. Nobody was inside. Nobody was inside.</li> </ul>
25	outside.	25	Q. No one was in there the first time?
	GILBERT & JONES		GILBERT & JONES
	68		
Į.			
1	Q. And that's what we just watched on the	1	A. No one.
1 2		2	<ul><li>A. No one.</li><li>Q. So you think he came in after you?</li></ul>
l	Q. And that's what we just watched on the video?  A. Yes.		<ul><li>A. No one.</li><li>Q. So you think he came in after you?</li><li>A. Yes.</li></ul>
2	Q. And that's what we just watched on the video?  A. Yes. Q. Is when you and Malanna went in there?	2 3 4	<ul> <li>A. No one.</li> <li>Q. So you think he came in after you?</li> <li>A. Yes.</li> <li>Q. But you remember the first time you went</li> </ul>
2	Q. And that's what we just watched on the video?  A. Yes. Q. Is when you and Malanna went in there? A. Because if you captured that before, I go	2 3 4 5	<ul> <li>A. No one.</li> <li>Q. So you think he came in after you?</li> <li>A. Yes.</li> <li>Q. But you remember the first time you went</li> <li>in you did see flip-flops; is that right?</li> </ul>
2 3 4	Q. And that's what we just watched on the video?  A. Yes. Q. Is when you and Malanna went in there? A. Because if you captured that before, I go out from my shift and I go check my I didn't check	2 3 4 5 6	<ul> <li>A. No one.</li> <li>Q. So you think he came in after you?</li> <li>A. Yes.</li> <li>Q. But you remember the first time you went</li> <li>in you did see flip-flops; is that right?</li> <li>A. Yes.</li> </ul>
2 3 4 5	Q. And that's what we just watched on the video?  A. Yes. Q. Is when you and Malanna went in there? A. Because if you captured that before, I go out from my shift and I go check my I didn't check out my lunch box but I go to the restroom and that is	2 3 4 5 6 7	<ul> <li>A. No one.</li> <li>Q. So you think he came in after you?</li> <li>A. Yes.</li> <li>Q. But you remember the first time you went</li> <li>in you did see flip-flops; is that right?</li> <li>A. Yes.</li> <li>Q. Do you know if that was Ms. Enzor or it</li> </ul>
2 3 4 5 6	Q. And that's what we just watched on the video?  A. Yes. Q. Is when you and Malanna went in there? A. Because if you captured that before, I go out from my shift and I go check my I didn't check out my lunch box but I go to the restroom and that is happening and I didn't see the person who is inside	2 3 4 5 6 7 8	<ul> <li>A. No one.</li> <li>Q. So you think he came in after you?</li> <li>A. Yes.</li> <li>Q. But you remember the first time you went in you did see flip-flops; is that right?</li> <li>A. Yes.</li> <li>Q. Do you know if that was Ms. Enzor or it could have been someone else?</li> </ul>
2 3 4 5 6 7	Q. And that's what we just watched on the video?  A. Yes. Q. Is when you and Malanna went in there? A. Because if you captured that before, I go out from my shift and I go check my I didn't check out my lunch box but I go to the restroom and that is happening and I didn't see the person who is inside in the restroom. I just saw	2 3 4 5 6 7 8	<ul> <li>A. No one.</li> <li>Q. So you think he came in after you?</li> <li>A. Yes.</li> <li>Q. But you remember the first time you went in you did see flip-flops; is that right?</li> <li>A. Yes.</li> <li>Q. Do you know if that was Ms. Enzor or it could have been someone else?</li> <li>A. I don't know if that's her but that's the</li> </ul>
2 3 4 5 6 7 8 9	Q. And that's what we just watched on the video?  A. Yes. Q. Is when you and Malanna went in there? A. Because if you captured that before, I go out from my shift and I go check my I didn't check out my lunch box but I go to the restroom and that is happening and I didn't see the person who is inside in the restroom. I just saw Q. The first time you were in there?	2 3 4 5 6 7 8 9	A. No one. Q. So you think he came in after you? A. Yes. Q. But you remember the first time you went in you did see flip-flops; is that right? A. Yes. Q. Do you know if that was Ms. Enzor or it could have been someone else? A. I don't know if that's her but that's the only woman who was
2 3 4 5 6 7 8 9 10	Q. And that's what we just watched on the video?  A. Yes. Q. Is when you and Malanna went in there? A. Because if you captured that before, I go out from my shift and I go check my I didn't check out my lunch box but I go to the restroom and that is happening and I didn't see the person who is inside in the restroom. I just saw Q. The first time you were in there? A. The first time. I just saw the woman's	2 3 4 5 6 7 8 9 10	A. No one. Q. So you think he came in after you? A. Yes. Q. But you remember the first time you went in you did see flip-flops; is that right? A. Yes. Q. Do you know if that was Ms. Enzor or it could have been someone else? A. I don't know if that's her but that's the only woman who was Q. During that first visit to the restroom,
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know -- he doesn't -- because I was wondering if he 1 Q. You said you went and got Malanna? 1 2 knew her or not. He told me he doesn't know her. A. Malanna. Did y'all at that time notify the manager 3 Q. 3 Okav. as well? 4 And I never seen -- he asked me if I'd 4 A. 5 A. Yes, she just called Mr. Edwards. 5 seen him before. I never seen him before. And some Q. questions about store safety and he told me I did a 6 On a radio? 7 A. No. Because he was up front bagging and I great job, tried to help her and I did the best what 8 called her and I told her can you come with me 8 I can. 9 9 because somebody is begging for help. And she called Q. Have you ever since that incident him and he came with us. 10 expressed to your manager or any other management 10 11 I got you. So he never entered the 11 personnel at Kroger about your reticence or your 12 restroom. The assailant had already run out, right? 12 desire not to use that restroom? MS. O'HEARN: You mean after the fact? 13 13 A. MR. SHIPLEY: After the fact. 14 Q. After that did you see the assailant run 14 through the store at all or did he disappear? 15 THE WITNESS: After the fact? I didn't 15 discuss that. I guess Malanna did the same 16 I barely remember -- I didn't see him 16 running out the store. Right now because it's been a 17 thing. Frequently -- if she's working up front 17 18 long time ago and my memory is not that fresh and 18 and I frequently see her, she's using the back strong, but I just remember he just was sweating and 19 19 he was just running behind my shoulder and I 20 (By Mr. Shipley) Have you ever made any 20 remember -- that's what I remember. suggestions that you believe could make that public 21 22 I barely remember he was running. In my restroom where the incident happened safer? memory I remember he was running with a close but I 23 MS. O'HEARN: Object to the form. You can 23 saw on the video he was running around the store. 24 answer. 24 25 THE WITNESS: So we discussed that with 25 Q. That's the last you saw of him? **GILBERT & JONES GILBERT & JONES** 72 Ms. Malanna so they can make it safer and we 1 1 A. Yes. 2 Was it your understanding that somebody 2 discussed this with Mr. -- not with Mr. Edwards, 3 with the other manager, with Marcus when he ran out The Kroger and apprehended him? 3 4 become the manager. 4 A. 5 5 So we tell him to put some camera on that Following this incident, were there any Q. 6 corner which is on the corner by the lockers. kind of meetings that the managers had there with the 6 7 So they can put the camera because I personally 7 employees? 8 don't feel safe in this area. 8 A. I don't know. You don't remember? 9 That's what we discussed, but they say 9 Q. 10 they can't put the camera because this is a 10 A. After the accident happened, I spoke with 11 public restroom and it's -- I don't know. my manager, the store manager too, but if they talked 11 12 (By Mr. Shipley) They don't want to put a with the employees, I don't know. 12 13 Q. You had a discussion with the store 13 camera in a public restroom? And, again, you personally don't feel safe within the locker room or 14 14 manager? 15 that restroom? 15 A. Yes. I don't feel safe in this area period. What was that about? 16 A. 16 Q. Why, again, is that, that you do not feel 17 Because everybody was in shock, the whole 17 safe in that area? store, because the cashiers, they also saw him and a 18 18 19 lot of customers running after him. 19 I don't know. Because probably the accident. And I really hate they put the locker 20 I tried to run but I was freezing at this 20 time and I tried to run but I can't control myself. 21 again on this wall which remind me over and over 21 22 I tried to run and I can't. I was -- I don't know. again what happened and I try to erase that with my memory but it looks like I can't. I'm going to live Very stressed. 23 24 with that. 24 We just discussed what happened and my 25 Q. Do you feel like the restroom is in an 25 manager said that can happen everywhere, just, you **GILBERT & JONES GILBERT & JONES**